

FILED
Clerk
District Court

JUN - 3 2008

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

JOHN S. PANGELINAN,

Plaintiff

v.

DAVID A. WISEMAN, ALEX R.
MUNSON, CRAIG MOORE,
MARGARITA D.L.G. WONEN-
BERG, MELINDA N. BRUNSON,
JOSEPH AUTHER, DONALD
HALL, WOLF CALVERT, LILLIAN
A. TENORIO, ROBERT T.
TORRES, ROY ALEXANDER,
RUFO MAFNAS, ANGELITA
TRINIDAD, RONNIE PALERMO,
HERMAN TEJADA, ESPERANZA
DAVID, ANTONIO ALOVERA,
and UNITED STATES OF
AMERICA,

Defendants

Civil No. 08-0004

ORDER AWARDING
ATTORNEY'S FEES AND COSTS
TO ROBERT T. TORRES AS A
SANCTION AGAINST PLAINTIFF
JOHN SABLAN PANGELINAN

1 In the Court's Order of May 8, 2008, it awarded reasonable attorney's fees and
2 costs to Robert T. Torres, attorney for all Non-Federal Defendants, as a sanction
3 against Plaintiff John Sablan Pangelinan because the instant litigation "is repetitive,
4 meritless, vexatious, abusive, and burdensome." *Id.*

6 THE COURT, having reviewed Mr. Torres' "Amended Submission of
7 Attorneys' Fees and Costs by Non-Federal Defendants," makes the following order.
8

9 The Court uses the "lodestar" test enunciated in *Hensley v. Eckerhart*, 461 U.S.
10 424 (1983). Although that case arose in the context of a Civil Rights Act claim, and
11 the instant matter is an award based on sanctions against Plaintiff, the fundamental
12 approach is the same, particularly since the Supreme Court in that matter dealt, as
13 here, with a lawsuit that was vexatious, frivolous, and brought to harass defendants.
14 Under *Hensley*, the Supreme Court declared that the first step in determining a
15 reasonable fee is to determine the "lodestar" amount; that is, "the number of hours
16 reasonably expended on the litigation multiplied by a reasonable hourly rate." *Id.* at
17 434. There is a strong presumption that the lodestar represents a reasonable fee.
18 *Harris v. Marhoefer*, 24 F.3d 16, 18 (9th Cir. 1994). Since there has been no request by
19 Mr. Torres to increase the lodestar amount, the Court's enquiry begins and ends with
20 the determination of hours reasonably expended on the litigation multiplied by a
21 reasonable hourly rate.
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26 Mr. Torres charges his time at an hourly rate of \$175.00. The Court finds that

1 that is a reasonable hourly rate for attorneys in this District, and particularly for an
2 attorney with Mr. Torres' experience. Similarly, the hourly rates of his Associate
3 Counsel and paralegal are also reasonable in this District.
4

5 The Court has also reviewed the number of hours expended on this litigation
6 by the two attorneys and the paralegal and finds all of them reasonable, given
7 Plaintiff's numerous filings and allegations and the time necessary to respond and
8 rebut. Accordingly, Mr. Torres is awarded: \$2,481.25 for 14.25 hours at his rate of
9 \$175.00 per hour, \$1,650.00 for 11 hours of work performed by his associate counsel,
10 and \$2,520.00 for 28 hours of work performed by his paralegal, for a total award of
11 attorneys' fees in the amount of \$6,651.25.
12
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14 Title 28, U.S.C. § 1920 specifies the costs available to a prevailing party. The
15 rule in its entirety states:
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17 Taxation of costs. A judge or clerk of any court of the United States
18 may tax as costs the following:

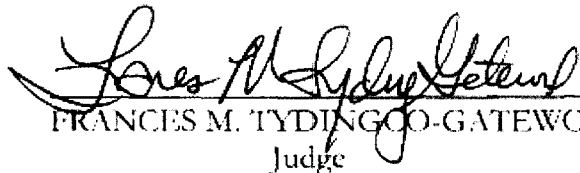
- 19 (1) Fees of the clerk and marshal;
- 20 (2) Fees of the court reporter for all or any part of the stenographic
21 transcript necessarily obtained for use in the trial;
- 22 (3) Fees and disbursements for printing and witnesses;
- 23 (4) Fees for exemplification and copies of papers necessarily obtained
24 for use in the case;
- 25 (5) Docket fees under section 1923 of this title;
- 26 (6) Compensation of court appointed experts, compensation of
interpreters, and salaries, fees, expenses, and costs of special
interpretation services under section 1828 of this title.

Service of process fees in the amount of \$25.00 are awarded, as are photocopy

1 charges of \$257.00, representing 514 photocopies at \$.50 per page, the statutory rate
2 for court-provided copies. Administrative fees are disallowed as they are more
3 properly part of office overhead and are not specified in § 1920. Because there was
4 no declaration that separate billing of computer research is a "prevailing practice in
5 the local community," the Court follows the majority view that computer research
6 charges are subsumed in the attorney's fee and declines to award the \$63.75
7 requested. *See Trustees of the Const. Industry and Laborers Health and Welfare Trust v.*
8 *Redland Ins. Co.*, 460 F.3d 1253, 1258-59 (9th Cir. 2006). The total amount of costs
9 awarded to Mr. Torres is \$282.00. Therefore,
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13 IT IS ORDERED that attorneys' fees in the amount of \$6,651.25 and costs in
14 the amount of \$282.00 are awarded to Robert T. Torres and shall be payable by
15 Plaintiff John Sablan Pangelinan.
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17 DATED this 3rd day of June, 2008.
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22 FRANCES M. TYDINGCO-GATEWOOD
23 Judge
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